

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ORIGINAL CONTINUATION OR DIVISIONAL

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD

the specification of which (check one):

☒

is attached hereto.

was filed on:

Application Serial No.:

and was amended on:

☐

was described and claimed in
PCT International Application No.
filed on:
and as amended under PCT
Article 19 on:

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign or PCT Application(s): n/a

Priority Claimed?

Application Number	Country (or indicate if PCT)	Day/Month/Year Filed
Application Number	Country (or indicate if PCT)	Day/Month/Year Filed

☐
Yes

☐
No

☐
Yes

☐
No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Application(s)
Designating the U.S. for Benefit Under 35 USC §120: n/a

U.S. Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned	
U.S. Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned	
PCT Applications Designating the U.S.:					
PCT Application No.	PCT Filing Date	U.S. Serial Nos. Assigned (if any)	Patented	Pending	Abandoned
PCT Application No.	PCT Filing Date	U.S. Serial Nos. Assigned (if any)	Patented	Pending	Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Judson D. Cary, Reg. No. P-38,097
Timothy H. Gens, Reg. No. 29,153
Charles E. Gottlieb, Reg. No. P-38,164
David L. Hayes, Reg. No. 34,838

Kenneth M. Kaslow, Reg. No. 32,246
Stuart P. Meyer, Reg. No. 33,426
John T. McNelis, Reg. No. 37,186
Leo V. Novakoski, Reg. No. 37,198
Edward J. Radlo, Reg. No. 26,793

Robert P. Sabath, Reg. No. 29,107
Albert C. Smith, Reg. No. 20,355
Phong K. Truong, Reg. No. 37,499
J. P. Violette, Reg. No. 33,042
Edward B. Weller, Reg. No. 37,468

SEND CORRESPONDENCE TO:

Robert P. Sabath
FENWICK & WEST
Two Palo Alto Square, Suite 500
Palo Alto, CA 94306

DIRECT TELEPHONE CALLS TO:
(name and telephone number)

Robert P. Sabath
(415) 858-7153

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00
Full Name of Inventor: Eduardo J. Moura
Signature: Eduardo J. Moura Dated: 4/21/95
Residence: 3509 Mt. Davidson Court
San Jose, CA 95124 Citizenship: U.S.A.
Post Office Address: same as residence

2-00
Full Name of Inventor: Jan Maksymilian Gronski
Signature: Jan M. Gronski Dated: 4/21/95
Residence: 105 Newell Road
Palo Alto, CA 94303 Citizenship: U.S.A.
Post Office Address: same as residence

See paper #20
for inventorship
changes or corrections

Case Docket No. 1572

SUPPLEMENTAL DECLARATION

PATENT APPLICATION

SOLE/JOINT

As a below named inventor, I hereby declare: THAT I verily believe I am the original, first and sole (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention described and claimed in United States Application No. 08/426,920, filed on April 21, 1995 and entitled:

Asymmetric Hybrid Access System and Method, as initially filed
and as initialed in Fig. 7 and in claim 1, and

that the subject matter of claim(s) Nos. 1-6, 13, 17, 18-20, 24-25 and 26-27
alone) ☒ per Amendment dated July 31, 1996

box only) ☐ as allowed

was part of my or our invention and was invented before the filing of the original application, above identified, and of its parent application(s) (if this is a continuing application thereof) for such invention; that I have reviewed and understood the contents of the specification, including (to the best of my ability) the claim(s), as above amended/allowed; that I acknowledged my duty to disclose all information known to me to be material to patentability of this application (including, if this is a CIP, in so far as the subject matter disclosed and claimed in this application is in addition to that disclosed in said parent application(s), my duty to disclose all information known to me to be material to patentability which became available between the filing date of said parent application(s) and the national or international filing date of this application) in accordance with 37 C.F.R. 1.56.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Inventor's Signature Eduardo J. Moura Date Aug 1, 1996

Inventor's Name (typed) Eduardo J. Moura

(2) Inventor's Signature Jan Makrymilian Gronski Date 8/1/96

Inventor's Name (typed) Jan Makrymilian Gronski

(3) Inventor's Signature _____ Date _____

Inventor's Name (typed) _____

(4) Inventor's Signature _____ Date _____

Inventor's Name (typed) _____

(5) Inventor's Signature _____ Date _____

Inventor's Name (typed) _____

First Middle Initial Family Name

NOTE: FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with signature and date for each.
 Atty/Sec.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 2603

Inventor(s): Eduardo J. Moura, et al.

Examiner: Shlick Horn

Appln. No.: 08 / 426,920
series code ↑ serial no. ↑

Atty. Dkt: 7225 / 217637
M# / Client Ref.

Filing Date: April 21, 1995

Title: Asymmetric Hybrid Access System

POWER OF ATTORNEY FROM ASSIGNEE
AND REVOCATION OF PRIOR POWERS

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The undersigned being the assignee of record in the above-entitled patent application as shown by the chain of title from the original owner to the assignee as recorded on Reel , Frame hereby revokes all previous powers and appoints the Cushman Darby & Cushman Intellectual Property Group of Pillsbury Madison & Sutro, LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W., Washington, D.C. 20005-3918 telephone number (202) 861-3000 (to whom all communications about this application are to be directed), and the below named persons (of the same address), individually and collectively, our attorneys to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent:

7493/0436
8/21/96

Paul N. Kokulis	16773	Kendrew H. Colton	30368
Raymond F. Lippitt	17519	Chris Comuntzis	31097
G. Lloyd Knight	17698	Lawrence Harbin	27644
Carl G. Love	18781	Paul E. White, Jr.	32011
Edgar H. Martin	20534	Michelle N. Lester	32331
William K. West, Jr.	22067	Jeffrey A. Simenauer	31933
Kevin E. Joyce	20508	Robert A. Molan	29834
Edward M. Prince	22429	G. Paul Edgell	24238
David W. Brinkman	20817	Lynn E. Eccleston	35861
George M. Sirilla	18221	David A. Jakopin	32895
Donald J. Bird	25323	Mark G. Paulson	30793
W. Warren Taltavull	26847	John P. Moran	30808
Peter W. Gowdey	25872	Timothy J. Klima	34852
Dale S. Lazar	28872	James D. Berquist	34776
Glenn J. Perry	28458	Stephen C. Glazier, P.C.	31361

Assignee has reviewed the evidentiary document(s) for the aforesaid chain of title and hereby certifies that, to the best of assignee's knowledge and belief, title is in the undersigned assignee. Address all further correspondence to Lawrence Harbin, 1100 New York Avenue, N.W., Suite 900 East Tower, Washington, D.C. 20005-3918 whose telephone number is (202) 861-3718.

Hybrid Networks, Inc.

Assignee

By

Name: Richard Fuller

Title: Vice President

Date

7/15/96

See page # 28

Attny.Dkt.No.: 1572
Applicants: Eduardo J. Moura and Jan Maksymiliam Gronski
Serial No.: Unknown
Filed: On Even Date Herewith
Title: ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9 (f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

☐ the owner of the small business concern identified below: ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Hybrid Networks, Inc.
ADDRESS OF CONCERN 10201 Bubb Road, Cupertino, CA 95014

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.2--18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above referenced invention described in


☒ the specification filed herewith ☐ application identified above ☐ patent identified above

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventors, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

SIGNATURE  DATE 4/21/95
NAME OF PERSON SIGNING RICHARD E. FULLER
TITLE OF PERSON OTHER THAN OWNER VP, FINANCE
ADDRESS OF PERSON SIGNING 10201 BUBB RD., CUPERTINO, CA 95014

REGISTRATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

To the Assistant Commissioner of Patents: Please record the attached original documents or copy thereof

Name of conveying party(ies):

Eduardo J. Moura and Jan Maksymiliam Gronski

Additional name(s) of conveying party(ies) attached?

☐ Yes

☒ No

Nature of Conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other _____

Execution Date: April 21, 1995

2. Name and address of receiving party(ies):

Name: Hybrid Networks, Inc

Internal Address:

Street Address: 10201 Bubb Road

City: Cupertino State: CA

ZIP: 95014

Additional name(s) & address(es) attached?

☐ Yes

☒ No

Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: April 21, 1995

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert P. Sabath

Internal Address: Fenwick & West

Street Address: Two Palo Alto Square, Suite 600

City: Palo Alto State: CA ZIP: 94306

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41): \$40,000

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number: 19-2555

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

Statement and signature:

I, the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Robert P. Sabath

Name of person signing

Signature

April 21, 1995

Date

Total number of pages including cover sheet, attachments, document: [2]

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner of Patents, Box Assignments
Washington, D.C. 20231

Packet No. 1572

CERTIFICATE UNDER 37 CFR 3.73(b)Applicant: Eduardo J. Moura et al.Application No.: 08/426,920Filed: April 21, 1995For: Asymmetric Hybrid Access System and MethodHybrid Networks, Inc.

(Name of Assignee)

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7493, Frame 0486 or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date : August 14, 1996Name : Richard FullerTitle : Vice PresidentSignature: [Signature]

ASSIGNMENT

For good and valuable consideration, receipt of which is hereby acknowledged, we, EDUARDO J. MOURA and JAN MAKSYMILIAN GRONSKI, do hereby sell, assign and transfer unto HYBRID NETWORKS, INC., a Delaware corporation whose address is 10201 Bubb Road, Cupertino, CA 95014 (called the Assignee herein), and its successors and assigns, the entire title, interest and right, including the right of priority, in, to and under an application for Letters Patent of the United States entitled "ASYMMETRIC HYBRID ACCESS SYSTEM AND METHOD" executed by us this day, and the inventions and any of them therein set forth and described, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor or corresponding thereto;

And for the above consideration we agree promptly upon request of the Assignee, its heirs, successors or assigns, to communicate any facts known to us respecting said application and the invention set forth therein, and to execute and deliver without further compensation any power of attorney, assignment, application, whether original, continuation, divisional or reissue, or other papers which may be necessary or desirable fully to secure to the Assignee, its heirs, successors and assigns, the inventions and any of them described in said application and all patent rights therein, in the United States and in any country foreign thereto, and to cooperate and assist in the prosecution of interference proceedings involving said inventions and in the adjudication and re-examination of said Letters Patent, provided the expenses which may be incurred by us in lending such cooperation and assistance be paid by the Assignee.

IN WITNESS WHEREOF, we hereunto set our hand and seal this 21 day of April 1995.

[Signature]

[Signature]
EDUARDO J. MOURA

[Signature]
JAN MAKSYMILIAN GRONSKI

[Signature] Jan Maksymilian Gronski

State of California
County of Santa Clara

On April 21, 1995 before me, Beverly M. Kehoe Shea personally appeared Eduardo J. Moura and Jan Maksymilian Gronski and personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

[Signature]
Notary Public

Notary's Seal

